

AMENDED IN SENATE MAY 8, 2001

AMENDED IN SENATE APRIL 25, 2001

SENATE BILL

No. 1080

Introduced by Senator Bowen

February 23, 2001

An act to add Section 2249 to the Business and Professions Code, ~~relating to physicians and surgeons, and to amend Section 109278 of the Health and Safety Code, relating to health care.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1080, as amended, Bowen. Physicians and surgeons: gynecological cancers.

Existing law imposes certain duties on physicians and surgeons in providing services in the diagnosis and treatment of cancer, including, among other matters, requiring a physician and surgeon to provide information to a patient about the availability of appropriate diagnostic procedures for the detection of prostate cancer, if certain conditions are present. Under existing law, the violation of those provisions constitutes unprofessional conduct.

This bill would provide that a violation ~~of a specified by a licensed health care provider of a provision of the Health and Safety Code~~ requiring a standardized written summary describing symptoms and appropriate methods of diagnoses of gynecological cancers be given to patients during an annual exam constitutes unprofessional conduct ~~but does not constitute a misdemeanor.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2249 is added to the Business and Professions Code, to read:

2249. A violation of Section 109278 of the Health and Safety Code, requiring a standardized written summary describing symptoms and appropriate methods of diagnoses of gynecological cancers to be given to patients during the annual exam, constitutes unprofessional conduct, but is not subject to Section 2314.

SEC. 2. *Section 109278 of the Health and Safety Code is amended to read:*

109278. (a) The medical care provider primarily responsible for providing to a patient an annual gynecological examination shall provide to that patient during the annual examination a standardized summary in layperson's language and in a language understood by the patient containing a description of the symptoms and appropriate methods of diagnoses for gynecological cancers. Use of existing publications developed by nationally recognized cancer organizations is not precluded by this section.

(b) For the purposes of this section, "medical care provider" means a health care professional licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code or pursuant to an initiative act referred to in that division providing medical care within his or her lawful scope of practice.

(c) *A violation of subdivision (a) by the medical provider shall constitute unprofessional conduct.*